

Myung-Ho PARK
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exposing the photosensitive layer to light through a mask, said mask having a pattern corresponding to cells of the plasma display device, a horizontal pattern for defining a barrier, and a vertical pattern for defining a boundary between two adjacent cells; and

etching the barrier material layer to form said plurality of cells.

REMARKS

Favorable reconsideration of this application in view of the foregoing amendments and the following remarks is respectfully requested. Claims 1, 12, and 14 have been amended and claim 15 has been canceled. Applicant submits that no new matter has been added. Claims 1-14 remain pending in this application after the above amendments.

In the Office Action, the Examiner rejected claims 1-13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,770,921 to Aoki et al. (Aoki); and rejected claims 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Aoki in view of the common knowledge in the art.

Rejection of claims 1-13 under 35 U.S.C. §102(b)

Applicant submits that 35 U.S.C. §102(b) does not constitute proper grounds for the rejection of claims 1-13. 35 U.S.C. §102(b) requires that the prior art reference be published more than one year prior to the date of application for patent in the United States. Aoki was patented on June 23, 1998. The present application was filed on

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June 4, 1998, more than two weeks prior to the publishing of Aoki. Because Aoki was published after the filing date of the present application, Aoki cannot be used as a reference under 35 U.S.C. §102(b) for anticipating claims 1-13.

Anticipation of a claim under any of the subsections of 35 U.S.C. §102 requires that each and every element of the claim be present in a single prior art reference. Aoki does not anticipate amended claim 1 because Aoki fails to disclose "a barrier layer formed on the first substrate and having a plurality of raised portions along its length", as required by such claim. Further, Aoki does not anticipate claim 2 because the barriers 17 of Aoki do not include the fluorescent layer 18.

Claim 1 requires a barrier layer having a plurality of raised portions along its length. Claim 2 requires that the layer of claim 1 include a fluorescent layer. The Examiner characterizes the two barriers 17 in conjunction with the fluorescent layer 18 of Aoki as amounting to the single barrier layer of claim 2. That is, the Examiner contends that Aoki discloses a single barrier layer that includes a fluorescent layer. The "raised portions" requirement of claim 1 refers to a single layer serving as a barrier. None of the barriers 17 of Aoki (see FIG. 2) includes a plurality of raised portions, as required by claim 1. The Examiner contends that because the fluorescent layer 18 of Aoki has two raised portions, and part of the fluorescent layer is on the barrier 17, the barrier layer of Aoki has a plurality of raised portions. This contention is without merit.

FIG. 2 in Aoki shows that the fluorescent layer 18 is adjacent to, and thus not included in, the barrier 17. None of the Figures in Aoki discloses that a portion of the

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fluorescent layer 18 is on any of the barriers 17, as asserted by the Examiner.

Consequently, a barrier layer in Aoki consists only of one of the barriers 17. Therefore, Aoki fails to disclose a barrier layer having a plurality of raised portions, as required by claim 1. In addition, because the barrier layer of Aoki does not include a fluorescent layer as required by claim 2, Aoki does not anticipate claim 2.

Even if the barrier layer of claim 1 is interpreted by the Examiner as being the same as the combination of barrier layers 17 and fluorescent layer 18 of Aoki, Aoki still fails to disclose that such barrier layer has a plurality of raised portions along its length, as further required by claim 1 as amended. Applicant submits that the barrier 17 has no raised portions along its length (along a line perpendicular to the drawing sheet in FIG. 2). Therefore, because Aoki fails to disclose each and every element of claim 1, Aoki does not anticipate such claim. Claim 1 should be allowed.

Because claim 12 contains a limitation that is the same as that discussed above with respect to the allowability of claim 1, claim 12 should also be allowed at least for the reasons stated above.

Regarding the rejection of claims 3-11, such claims should be allowed at least by virtue of their dependency from claim 1.

Regarding the rejection of claim 13, such claim should be allowed at least by virtue of its dependency from claim 12.

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Rejection of claims 14-15 under 35 U.S.C. §103(a)

Applicant submits that the rejection of claim 15 is now moot in light of the cancellation of such claim above.

Regarding the obviousness rejection of claim 14, Applicant submits that the Examiner has not satisfied his burden of establishing a *prima facie* case of obviousness and respectfully traverses the obviousness rejection of claim 14. Section 2144.03 of the MPEP provides that in order to use common knowledge in the art to support an obviousness rejection, the Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well known" in the art. The Examiner did not take Official Notice of any facts in the Office Action. Instead, the Examiner stated his opinion that the reference cited "disclose all of the individual elements of the methods of claims 14-15" and that an "artisan seeking to implement the apparatus of claims 1-13 would necessarily perform the method of claims 14-15." Applicant hereby requests that the Examiner provides a factual basis upon which a proper obviousness rejection can be based. This factual basis should include specific citations of prior art references disclosing, *inter alia*, the exposing step of amended claim 14, which requires the use of a single mask with a horizontal pattern and a vertical pattern.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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